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**COMMENTS:**

TO FOLLOW IS A PETITION TO REINSTATE PRIORITY DATE AND  
CORRECT FILING RECEIPT ON U.S. APPLICATION NO. 10/730,235 FILED  
DECEMBER 8, 2004.

PLEASE FORWARD TO THE APPROPRIATE PARTY.

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PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): ZHIYI ZHANG,  
BRUNO BEST AND  
GILBERTO TOFFOLOSERIAL  
NUMBER: 10/730,235

FILING DATE: DECEMBER 8, 2003

FOR: COMBINED TELEMETRY  
SYSTEM AND METHOD§ ATTORNEY  
§ DOCKET NUMBER: SHEL.105812/TH2389§  
§  
§  
§  
§ ART UNIT:§  
§  
§  
§ EXAMINER:  
§

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Mail Stop Petition  
Commissioner of Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450PETITION TO REINSTATE PRIORITY DATE  
AND CORRECT FILING RECEIPT

Dear Sir:

On December 8, 2003, Applicants filed the above-referenced patent application with the United States Patent and Trademark Office. The transmittal papers accompanying this application claimed priority to U.S. Provisional Application No. 60/431,360, which was filed December 6, 2002. Applicants timely submitted a Preliminary Amendment on March 8, 2004, amending the specification to specifically include the priority claim.

On April 1, 2004, Applicants requested that the filing receipt be corrected to show the correct filing date of December 8, 2003. On May 4, 2004, Applicants received a corrected filing receipt with the correct filing date and the enclosed Response to Request for Corrected Filing Receipt. The Response rejected the Applicants' priority claim, stating that the priority application was filed over a year prior to the filing date of the present application.

Application Number: 10/730,235  
Attorney Docket No.: SHEL.105812/TH2389

Because the one-year deadline for filing a non-provisional application claiming priority to Provisional Application No. 60/431,360 fell on December 6, 2004, which was a Saturday, Applicants had until Monday, December 8, 2003 to file the present application and claim priority from the provisional application. 37 C.F.R. § 1.7(b).

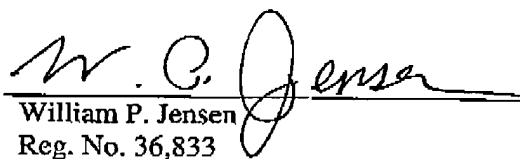
Applicants respectfully submit that the present application has been erroneously denied the priority date of Provisional Application No. 60/431,360. Applicants therefore, request that the present application be given the priority date of December 6, 2002, and that a corrected filing receipt be issued reflecting this correction.

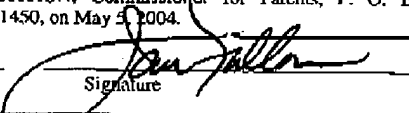
Although Applicants do not believe a fee should be required for this Petition as this error was the fault of the Patent Office, the Commissioner is hereby authorized to charge the petition fee of \$130.00, and any additional amount required, or credit any overpayment, to Deposit Account No. 19-2112.

Date: May 5, 2004

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Respectfully submitted,

  
William P. Jensen  
Reg. No. 36,833

CERTIFICATE OF FACSIMILE TRANSMISSION	
I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent and Trademark Office, fax number (703) 872-9306, addressed to: MAIL STOP PETITION, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on May 5, 2004.	
Date 5-5-04	Signature 



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 5-4-04  
 SHOOK HARDY & BACON

APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/730,235	12/08/2003	Zhiyi Zhang	SHEL.105812/TH2389

CONFIRMATION NO. 2517

30903  
 SHOOK, HARDY & BACON L.L.P.  
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 600 TRAVIS STREET  
 HOUSTON, TX 77002-2911



\*OC000000012470968\*

Date Mailed: 04/28/2004

## RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

## Domestic Continuity and Foreign Priority

In response to your request for a corrected Filing Receipt, the Office is unable to comply with the request because:

- ☐ The priority or continuity claim has not been entered because it was not filed during the required time period. Applicant may wish to consider filing a petition to accept an unintentionally delayed claim for priority. See 37 CFR 1.55 or 1.78.
- ☐ Continuity claimed under 35 U.S.C. § 120 cannot be added to the Filing Receipt without the applicant supplying the relationship (continuation, divisional, or continuation-in-part) in an Application Data Sheet or amendment to the first page of the specification.
- ☐ A claim for priority cannot be made based on an application filed after the application making the claim.
- ☐ Domestic benefit and foreign priority claims will not be captured in a provisional application. A provisional application is not entitled to a right of priority or to the benefit of an earlier filing date of any other application. See 35 U.S.C. § 111(b)(7) and 37 CFR 1.53(c)(4).
- ☐ A domestic continuity claim cannot be made to a foreign application and the filing receipt will only list the foreign country, application number, and filing date.
- ☐ Foreign priority will appear on the Filing Receipt in the following order: **Country, Application number, Filing date.**
- ☐ This application is the result of a conversion from a provisional application. Priority based on such application cannot be made since it no longer exists as a provisional application.

- ☒ The application(s) to which priority is claimed were filed over a year prior to the filing date of this application. Therefore, the referenced application(s) cannot be claimed as domestic or foreign priority.
- ☐ To change the benefit claim of a U.S. prior-filed application, applicant must amend the first sentence of the specification (if the benefit claim is referenced in the specification), or provide a supplemental application data sheet (ADS) (if the benefit claim was submitted in an ADS), with the desired benefit claim. Note that once a benefit claim is deleted, applicant will not be able to claim such prior-filed application again, if the above-identified application was filed on or after November 29, 2000.
- ☐ To change a foreign priority claim, applicant must submit a supplemental oath or declaration (if the priority claim is referenced in the oath or declaration), or a supplemental application data sheet (ADS) (if the priority claim was submitted in an ADS), with the desired priority claim. If a supplemental ADS is submitted, any deletions should be shown with strikeouts. Note that once a priority claim is deleted, applicant will not be able to claim such foreign application again, if the above-identified application was filed on or after November 29, 2000.

  
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Initial Patent Examination Division (703) 308-1202

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